

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-202

8 May 1980

MEMORANDUM FOR: Mr. Maynard C. Anderson
Office of the Deputy Under Secretary of Defense
(Policy Review)

STATINTL FROM:
Executive Secretary

SUBJECT: NOFORN Marking in Draft Revision of DCID 1/7

REFERENCE: Admiral Murphy's Memorandum (I-02374/80)
Dated 11 January 1980, Subject: Revision
of DCID 1/7, Control of Dissemination of
Intelligence Information

1. At the 2 April 1980 SECOM meeting, note was taken of a CIA objection to that portion of the draft revision of DCID 1/7 which specified conditions of use for the NOFORN control. It was agreed that the CIA position would be provided your office for comment in view of Admiral Murphy's statements on the same subject in referenced memorandum.

2. The CIA position as provided me is set forth below:

"CIA cannot accept restrictive criteria that would preclude judicious use of NOFORN control in situations not addressed in the four cited conditions. The Agency does not find it reasonable that an originator who is privy to information that clearly establishes the national interest would be served by the NOFORN prohibition cannot use the marking unless it could be established with absolute certainty that use is justified within the literal meaning of set criteria.

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"CIA contends further that any erosion of originator control on foreign release of classified intelligence information is inconsistent with the SECOM decision to retain the NOFORN marking. The primary argument in support of the need for the NOFORN control is identical to that which is now offered for discretionary rather than prescribed use of the marking, i.e., correct dissemination to foreign countries, organizations, and individuals can only be ensured by a control mechanism that guarantees proper review before release.

"Finally, CIA contends that restrictive criteria could contribute to situations wherein foreign release authorized under provisions of paragraph 5b of the draft would be inimical to the national interest. In certain circumstances, released information that was not source revealing and was forwarded through established channels and procedures could prove embarrassing or worse. The Agency cannot endorse criteria that would sustain a negative probability.

"CIA supports a return to the concept of examples, as set forth in the current DCID 1/7. The examples represent well conceived guidelines that in practice are applied to the bulk of material now bearing the NOFORN marking. The Agency does not support and will not tolerate indiscriminate use of NOFORN."

3. Please provide your comments on that position to the SECOM staff.



STATINTL

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